c) Whether claims 1, 3, 5-8, and 10-13 should have been rejected under 35 U.S.C. 103(a) as being unpatentable over Sullivan (2003/0093320) in view of Cox et al. (2003/0061061).

(7) Arguments

A. The rejection of claims 1, 3, 5, 6, and 10-13 under 35 U.S.C. 112, second paragraph, as being indefinite is improper

The examiner rejected claims 1, 3, 5, 6, and 10-13 because claim 1 includes the term "vice versa" in the following claim language,

> mapping data elements of the first application-specific data model to data elements of the standardized transaction-tax interface data model, or vice versa.

It is respectfully submitted that the term "vice versa" is clear and definite when read in context with the above claimed language. The term "vice versa" means that there is alternatively a mapping of data elements of the standardized transaction-tax interface data model to the data elements of the first application-specific data model.

It should be noted that the above claim language, including the term "vice versa," was found in claim 2 as originally filed in the application. As seen from the prosecution history of the present application, such claim language was incorporated into claim 1; yet, there was no rejection of this claim language until the end in the final Office Action dated May 2, 2006. Thus, the examiner has introduced a new rejection on originally-filed claim language without providing applicants with any opportunity to respond to such a rejection prior to a final rejection. Accordingly, it is respectfully submitted that either: a) the above claim language is clear and concise as evidenced by a previous lack of a rejection otherwise, and withdrawal of

such a rejection is respectfully requested; or b) the finality of the Office Action dated May 2, 2006 was premature, and withdrawal of the finality of such an Office Action is respectfully requested.

B. The provisional rejection of claims 1, 3, 5, 6, and 10-13 on the ground of non-statutory obviousness-type double patenting is improper

Claims 1, 3, 5, 6, and 10-13 were rejected based on claims 1-10 of copending Application No. 10/495,634 (hereinafter, "the '634 application"). Likewise, claims 7-8 were rejected based on claims 11-15 of the same copending application.

The examiner alleged that whatever subject matter in claims 1, 3, 5-8, and 10-13 of the present application that is not found in claims 1-10 of the '634 application is given official notice as being notoriously well known in the art. MPEP 2144.03 clearly states that,

> It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known. For example, assertions of technical facts in the areas of esoteric technology or specific knowledge of the prior art must always be supported by citation to some reference work recognized as standard in the pertinent art. *In re Ahlert*, 424 F.2d at 1091, 165 USPQ at 420-21. See also *In re Grose*, 592 F.2d 1161, 1167-68, 201 USPQ 57, 63 (CCPA 1979).

It is respectfully submitted that the Examiner's allegations are assertions of technical facts in the areas of esoteric technology, that is, computer technology and the inner workings of data manipulation in a computing environment to which an ordinary user is not privy. Therefore, official notice cannot be taken of the nuance of the claimed features in such an esoteric technology. For example, claim 1 recites "reading an output mapping definition" so that source information from the first application-specific data model can be derived based on

such reading, which is not described in claims 1-10 of the '634 application. Typically, the mapping process is performed in reverse, that is, source information is first obtained so that mapping can be done based on such source information. Likewise, claim 7 recites, "the set of transaction-tax-related data elements of the standardized transaction-tax data warehouse data model comprises at least one of, equals and is a subset of the set of transaction-tax-related data elements of a standardized transaction-tax interface data model," which are also technical facts in the areas of esoteric technology and not described in claims 1-10 of the '634 application.

Accordingly, because claims 1, 3, 5-8, and 10-13 of the present application and claims 1-10 of the '634 application do not recite the same or obvious subject matter, it is respectfully submitted that the examiner failed to establish a *prima facie* case of nonstatutory obviousness-type double patenting provisional rejection. Therefore, withdrawal of such a rejection is respectfully requested.

C. The rejection of claims 1, 3, 5-8, and 10-13 under 35 U.S.C. §103(a) as being unpatentable over Sullivan in view of Cox et al. is improper

The test for determining if a claim is rendered obvious by one or more references for purposes of a rejection under 35 U.S.C. § 103 is set forth in MPEP § 706.02(j):

> To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both

be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Therefore, if the above-identified criteria are not met, then the cited reference(s) fails to render obvious the claimed invention and, thus, the claimed invention is distinguishable over the cited reference(s).

The examiner admitted that Sullivan does not explicitly show that there are two different data models (a transaction-tax-related data warehouse application and at least one transaction-tax-related application), and that there is a standardized transaction-tax-interface data model to provide an interface model, as claimed. However, the examiner alleged that the aforementioned differences are shown in Cox et al., and that it would have been obvious to combine Sullivan and Cox et al. in order to provide communication in a heterogeneous environment.

It is respectfully submitted that FIGs. 1 and 2, and supporting text, in Sullivan clearly show a single transaction tax processor 201 for operating and maintaining a plurality of alleged transaction tax databases and applications (e.g., 270-274, tax calculator). Therefore, at best, all such transaction tax databases and applications inherently use the same standardized data model for communicating with each other because they are all operated and maintained by the same transaction tax processor 201. That is, it would be counterproductive to have different data models for the transaction tax databases and applications in Sullivan (e.g., the alleged data warehouse data model), only to further require such models be mapped to a standardized data model in order to effectuate communications between the various databases and applications in the transaction tax processor 201. Such a scheme is not desirable, and thus not obvious, because it needlessly complicates the transaction tax

compliance system 200 in Sullivan. Although Sullivan in paragraph [0037] discloses that those databases and applications in the transaction tax processor 201 can operate on multiple computers, as cited in the Office Action (p. 6), it remains at best inherent to have those multiple computers use the same data model to simplify the transaction tax compliance system 200 absent any indication to the contrary. After all, Sullivan's system 200 is intended to *ease* the transaction tax compliance burdens rather than to *further complicate* such burdens, which would be case if the Sullivan were to incorporate the teachings in Cox et al. *See* Sullivan, paragraphs [0002] and [0005].

Accordingly, it would not have been obvious to complicate Sullivan's system by specifying that its transaction tax databases and applications must have different data models, *just so* that Cox et al. can be introduced to show a standard model interface that can be used for the different data models, when such data models need not be different in the first instance. Such complication teaches away from Sullivan's intention of easing the transaction tax compliance burdens. Therefore, withdrawal of the rejection of claims 1, 43, 5-8, and 10-13 and allowance of the application are respectfully requested.

(8) Conclusion

For at least the reasons given above, the rejections of claims 1, 3, 5-8, and 10-13 are improper. Accordingly, it is respectfully requested that such rejections by the examiner be reversed and these claims be allowed. Attached below for the Board's convenience is an Appendix of claims 1, 3, 5-8, and 10-13 as currently pending.

PATENT

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Please grant any required extensions of time and charge any fees due in connection with this Appeal Brief to deposit account no. 08-2025.

Respectfully submitted,

Dated: October 26, 2006 By

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